

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

ALLEN MORSLEY,	:	CIVIL NO. 1:CV-01-1003
Petitioner,	:	
	:	(Judge Kane)
v.	:	
	:	
DONALD ROMINE,	:	
Respondent	:	

ORDER

I. Background.

Allen Morsley, an inmate presently confined to the United States Penitentiary - Lee County, Jonesville, Virginia, filed a *pro se* petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241 seeking to collaterally challenge his United States District Court for the Eastern District of North Carolina conviction. On July 31, 2003, the petition was denied and the case was closed. (Doc. 51). Thereafter, the Petitioner filed a "Motion to Alter or Amend Judgment pursuant to 59(e) of Federal Rules of Civil Procedure with Incorporated Memorandum," a motion to amend to conform the evidence to Rule 15(b), and a motion for appointment of counsel. The motions were denied by Order dated March 1, 2004. (Doc. 56). On March 15, 2004, the Plaintiff filed a motion for reconsideration of the March 1, 2004 Order. The motion was denied on April 30, 2004. (Doc. 58). Thereafter, Petitioner appealed both the March 1, 2004 and the April 30, 2004 Orders to the Third Circuit Court of Appeals. On November 9, 2004, the Court of Appeals issued Judgments affirming both Orders. (Docs. 71 and 72). Presently pending are the following motions which were filed by the Petitioner after he filed his appeal: Motion to Disqualify Judge (Doc. 66), Motion to Clarify (Doc. 67), Motion to Void Judgment and Unreliable Detention Pursuant to FED.R.CIV.P. 60(b) (Doc. 68), Motion to Appoint Counsel (Doc. 69), and Motion for Extension of Time (Doc. 70). Based upon the Judgments entered by the

Third Circuit, affirming this Court's decision which denied the petition for writ of habeas corpus, the motions will be denied.

II. Order.

AND NOW, this 16th day of December, 2004, upon consideration of the Judgments entered by the Third Circuit Court of Appeals (Docs. 71 and 72), which affirmed this Court's Orders denying the petition for writ of habeas corpus, **IT IS HEREBY ORDERED THAT:**

1. Petitioner's Motion to Disqualify Judge (Doc. 66) is **DENIED**;
2. Petitioner's Motion to Clarify (Doc. 67) is **DENIED**;
3. Petitioner's Motion to Void Judgment and Unreliable Detention Pursuant to FED.R.CIV.P. 60(b) (Doc. 68) is **DENIED**;
4. Petitioner's Motion to Appoint Counsel (Doc. 69) is **DENIED**;
5. Petitioner's Motion for Extension of Time (Doc. 70) is **DENIED**.

S/ Yvette Kane
Yvette Kane
United States District Judge